ORIGINAL

DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

J. Brendan Herron, Jr.,	)	
	)	
Appellant,	)	
	)	
vs.	)	**Case No. 16982**
	)	
District of Columbia,	)	
	)	
Appellee.	)	

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MOTION TO SCHEDULE HEARING ON MOTION TO DISMISS AND POSTPONE PUBLIC HEARING ON MERITS

Intervenor Zuckerman Brothers, Inc. ("Zuckerman"), by and through their undersigned counsel, hereby respectfully moves this Board for an order scheduling argument on its pending Motion to Dismiss (submitted on January 9, 2003), and postponing the public hearing on the merits of this appeal. As grounds for this motion, Intervenor submits as follows:

The public hearing on the merits of this appeal is scheduled for March 4, 2003. In mid-January, the staff of the Board informed Intervenor that that its Motion to Dismiss for failure to timely file is scheduled to be heard during the public hearing on the merits of this appeal. As currently scheduled, Intervenor, Appellee, and Appellant will be required to engage in extensive preparation for the public hearing despite the possibility of the appeal being dismissed as untimely filed if Intervenor's Motion is granted. Scheduling a separate date for argument on the Motion to Dismiss prior to the public

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Board of Zoning Adjustment
District of Columbia
CASE NO. 16982
EXHIBIT NO. 17

hearing on the merits will avoid this possibility and potentially save the substantial time and effort of the Board and all parties involved.

Intervenor has consulted the Appellee, the District of Columbia Department of Consumer and Regulatory Affairs, and it has informed Intervenor that it supports this motion.

Conclusion

Accordingly, the Intervenor hereby requests that the Board of Zoning Adjustment enter an order scheduling Intervenor's Motion to Dismiss for the March 4th hearing date, and postponing the public hearing until a later date.

Sincerely,

John T. Epting, Esq.
Deborah B. Baum, Esq.
Ashleigh Dale Horne, Esq.
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2300 N St, N.W.
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Dated: January 29, 2003

I hereby certify that on January 31, 2003, a copy of the foregoing Motion was mailed first class, postage prepaid, to the following:

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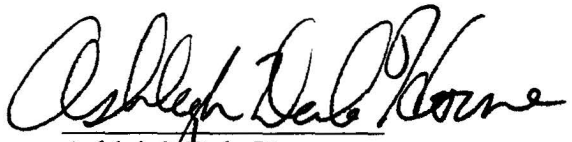
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